



# *Town of Weare Conservation Commission*

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## Conservation Commission

Andrew Fulton, Chairman  
Stephen Najjar, Vice Chair  
Wendy Stevens, Secretary  
George Malette, Member  
Jeff Jackson, Member  
Chris Tuck, Member  
Lisa Purington-Grolljahn,  
Member

## **CONSERVATION COMMISSION – OCT 9, 2013 DRAFT MEETING MINUTES**

Meeting called to order at 7:09 pm by Chairman Andy Fulton

Present: Andy Fulton, Steve Najjar, Wendy Stevens, Chris Tuck and Lisa Grolljahn

Guests: Art Siciliano, Jack Dearborn, Gordon Brown

- I. Mr. Dearborn stated he was here on behalf of Gordon Brown regarding a piece of land on East Rd.; a 16-20 acre parcel that is a 1,600 feet x 800 feet wide strip that Mr. Brown would like to sell to the town. He noted three aspects:
  - a. Abuts the only expandable cemetery in town
  - b. Contains a stream that runs into Frank Bolton's property
  - c. Abuts the Banks/Schmid Property

He continued that the Mildred Hall Trust is interested in the barn portion of the parcel. Mr. Dearborn stated that their intent is to make a connection between the Bolton and Banks/Schmid parcels so its locked up forever. He furthered that it has a plateau full of sand and gravel. He mentioned the Forest Society is interested in an easement.

Mr. Najjar brought up Center Brook, stating that it is the only brook in Weare with self reproducing brook trout and is a unique genetic resource. Mr. Dearborn responded he wanted to allow for a friendly buffer for the cemetery, and that Mr. Brown wants to be environmentally friendly and doesn't want it mined.

The nature of the easement was discussed and Mr. Dearborn, Mr. Fulton and Mr. Najjar thought that it would be a property owned by the town. Mr. Dearborn said he was in touch with Janet Brown on behalf of the Cemetery Trustees. Mr. Fulton asked for clarification regarding the cemetery and its' expansion. Mr. Dearborn said it would be fee owned. Mr. Dearborn has also discussed the project with Ian McSweeney and he gave him the primer. Mr. Brown wants an expansion of the cemetery. Mr. Fulton reiterated that it would be sold to the town, likely with an easement by the Forest Society. Mr. Brown does want expansion of the cemetery and is working with Janet Brown. Mr. Brown said it was discussed with Paul Doscher four years ago. The Cemetery Trustees and Historical Society have approached him. It was also mentioned that there is an individual septic for a 2 bedroom house and a well on the parcel, but no residence – just a barn. He noted the barn could be used by the Historical Society.

Mr. Najjar said that conceptually it would make sense to join Banks/Schmid and Brown and assess the best environmental solution to expand the cemetery. Mr. Dearborn said perhaps a buffer zone would suffice, and that he was here to facilitate this transaction for Mr. Brown. Mr. Dearborn said it would sew up 400 acres. Mr. Fulton said it was very important, thanking the landowners for coming before them. He then mentioned that the conservation fund was depleted. Mr. Dearborn said he did not want to discuss numbers tonight, that he first wanted to check with the Moose Plate Grant, the Land Transfer Fund, the Mildred Hall Trust, and the Trustee of the Trust Funds to look for other funds. He then stated the target date is likely 2016.

Mr. Najjar said this can't be that hard and offered to go into non-public. Mr. Dearborn said he did not

want to speak about numbers tonight. Mildred Hall has already earmarked \$25,000. Mr. Najjar asked if there was a bridge over the brook. Mr. Brown said there was a 4 foot culvert bridged over by his timber harvester. The commission reviewed the map and location of cemetery and brook and Mr. Dearborn again recommended a buffer. Mrs. Stevens noted, referring back to Oct 2012 minutes, that the prior funding request was for \$20,000.

## II. QUARTERLY UPDATE FROM THE TOWN FORRESTER

### FELCH FARM

Mr. Turner stated that since April he has finished up the timber harvest at Felch Farm. Income was \$98,000 due to stumpage market prices, and timber on that property had red rot. The maturity of the wood was past grade maturity and they cut 25% more, in the spirit of the management plan to create a healthier forest. A gate was installed which hopefully will keep out TVs, trash, tires and other dumpings that have occurred over the years.

### HOLLY HILL

Holly Hill is 75% done, the blazing is done. It should be complete before cold weather.

### WOODS

The Woods Family Forest Forest Management Plan is underway. The Woods boundary will happen this winter with painting next fall.

### BROOKSHIRE

The boundary work over at Brookshire is reported to be a mess due to the irregular border. Mr. Turner reported lots of lawn and backyard activity encroachments. Mr. Najjar asked if there was enough money allocated to continue, Mr. Turner will let us know. Two boundary pins have been pulled, there are lawns on town land, and blatant pushing and digging.

### EASTMAN

Eastman habitat work is ongoing. Mr. Turner spent time this summer showing the meadow to a few people. He has found a forester, Adam Mock of Webster, who is willing to remove 3-4" small trees from around the border of the meadow for free. Others wanted \$5,000. Mr. Turner says there are shade issues with too many trees around the edges of the meadow. It wouldn't warrant a bid because it is so marginal. Mr. Najjar made a motion to go in with a commercial harvest with no income to the town, pay Mr. Turner for his time, and notify PLC of the plan. Mr. Fulton seconded the motion. Mrs. Stevens asked the location of this harvest in relation to Pine Hill Rd. residents. A map was reviewed and the meadow is not near the residential area. She suggested that if we go in there again, that perhaps gating at the same time would counter the recent complaints and create a more positive experience for abuters.

Mr. Turner said they were 3" Pines and Oaks and it was really just to clean up and further the meadow re-establishment.

All were in favor and the motion passed 5-0-0.

### BREED BROOK

Mr. Fulton says we have a picture of the encroachment/fence and we are just waiting for the work to be done. Mr. Najjar made a motion to send the survey platt with a letter regarding the encroachment to the owner and ask the owner to get in touch with us. Mr. Grolljahn seconded. All were in favor and the motion passed 5-0-0.

### 2014 UPCOMING TIMBER SALES

Mr. Turner continued that Jewett Rd. and Poor Farm arrangements will be made next year. Mrs. Grolljahn asked about access. Mr. Turner said he would access it from Mountain Rd. She thought

residents should be notified. Mr. Turner typically goes and knocks on doors. Mrs. Tuck said that not everybody does that and that is a good thing to do. Mrs. Stevens said she had recently been to the edges of Ferrin Pond and asked if Mr. Turner had placed pink markers on trees within the buffer, and Mr. Turner said no, and that all types of people mark trees for one reason or another and it could be anything. Mrs. Stevens mentioned that it was clear that ATVs were now travelling all through, up and around Ferrin Pond, including the hemlock and pine grove at the base of the trailhead. Mrs. Grolljahn added that the road to Ferrin Pond had several trees felled across it. Mr. Najjar said that they have been in that area for a while now.

## GATES

Mr. Najjar wanted to consider putting in three gates as part of a Forest Service Agreement before the year is out, at \$2,000 per gate. He mentioned wanting a gate at Woods, and two at Eastman – one at the landing and the other at the top of Pine Hill. Mrs. Stevens asked before he formed that into a motion to add a fourth gate at Ferrin Pond just beyond the bridge. Mr. Najjar stated we cannot gate the main road of Ferrin Pond because it is a class VI road. Mrs. Stevens read RSA 229:5 and cited that Class VI roads can include a definition of a gated and barred road. Mr. Turner, Mr. Fulton and Mr. Najjar all stated that it was a public highway and has to be kept open. Mr. Turner furthered that it could be gated, but it cannot be locked. Mrs. Grolljahn said the sign says no vehicles. Mr. Najjar said that the sign is illegitimate. Mr. Turner said that it sounds like there are some big problems out there and a plan needs to be made, and the situation is very complex with different landowners.

Mr. Fulton said that putting a gate at Woods is simple. He summarized his views on the three gates proposed. Mr. Turner pointed out that at Eastman, you have a gatekeeper.

Mr. Najjar made a motion to have Mr. Turner install three gates for a total of \$6,000 out of the Town Forest Account, as part of the \$20,000 2012 Town Forest Warrant Article. The location of the gates include one at Woods Family Forest and two at Eastman (landing and top of Pine Hill). Mrs. Stevens seconded the motion. All were in favor and the motion passed 5-0-0.

## SPECIAL ACCESS REQUEST

Mr. Turner said that Bartlett Brook harvest is this winter, and Meadowsend owns the land to the south that falls between Bartlett Brook to Ferrin Pond. It is extremely difficult to access the property on that Class VI road involving about \$100,000 of road improvements. He asked for permission to bypass Mountain Rd., Ferrin Pond, Jewett Rd. and access it from the Bartlett Brook Town Forest. Mrs. Tuck mentioned 149 is a bad road and asked if they will have traffic precautions. Mr. Turner said yes. A discussion ensued about exactly where this was and if new roads were being established. Mrs. Grolljahn said this will create more four wheeling activity. Mr. Turner said it's a class VI road. Mr. Turner said he could gate and boulder after working through there so as not to create a new trail, but likely it would be a gate on the town forest side. Mr. Fulton looked to partner with Meadowsend and we obviously need help managing trail activity. Mrs. Grolljahn brought up several town forests throughout that area and mentioned tire dumpings. She had a 4H group try to help clean it up but it was not possible.

Mr. Turner finished by informing the commission that he had been contacted by the snowmobile club regarding a CLASS VI road and they want to help with erosion in the Sawyer Rd./Jewett Rd./Oliver Rd. area.

## III. WETLANDS IMPACT PERMIT

Arthur Siciliano came before the commission with a proposal to install a culvert in a seasonal drainage area for a driveway to a new house with a wetland impact: 255 square feet of wetlands filing on the east side of Oak Hill Rd., Map #411 Block/Lot #240.

Mr. Siciliano said he will put in a 24" rcc culvert. The Zoning Board had asked if it met fire dept. requirements. He is meeting with them next week. He is addressing that with an apron at the road, shoulder in 50 foot turnaround. He added that there are three endangered species in the area and he is speaking with Kim Tuttle. Mr. Najjar said the black racers are very near the proposed site, and he knows this because he was the one who located and recorded them. The location of species and

driveway were reviewed. Mr. Najjar said the area was pretty much in the habitat.

Mr. Fulton asked about the size of the lot and Mr. Siciliano said it does go right into the marsh. Mr. Najjar asked about zoning, Mr. Siciliano replied residential. Mr. Najjar asked how far is the leech field from the wetland. Mr. Siciliano said its pretty far, noting the size of the 25 foot buffer. He said the leech field is 900 feet from Dustin Meadow Marsh, the lot is 1,100 feet deep. Mr. Fulton asked if it abuts town land, Mr. Siciliano said no. Mr. Najjar asked about page four, Part A, #14 or Mr. Siciliano's application, noting the question about endangered species being present was not checked. Mr. Siciliano noted this error and guessed that this will kill his expedited request. Mr. Fulton asked if he was all set at zoning, and Mr. Siciliano said yes. He also had some communications from Kim Tuttle and he was also all set with her. Mr. Fulton asked if he was interested in doing some survey work out at Chipmunk Falls and Mr. Siciliano replied yes.

#### IV. 2013 WARRANT ARTICLES

Mr. Najjar brought up Warrant Articles and reviewed that we must receive permission in advance to expend funds from the Town Forest account. He presented four Warrant Articles:

1. Shall the Town raise and appropriate the sum of Twenty Five Thousand Dollars (\$25,000.00) to allow the Conservation Commission to secure contracted services with the Town's Licensed Forester to prepare forest management plans; secure contracted services for the Town Forest maintenance, conduct wildlife habitat improvement projects and fund this appropriation by authorizing the withdrawal of that sum from the Town Forest Account?

2. Shall the Town raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) to allow the Conservation Commission to secure a cost-share agreement with New Hampshire Fish and Game Department to install a gate at the Ferrin Pond Access Road and to correct erosion on the access road owned by New Hampshire Fish and Game, and fund this appropriation by authorizing the withdrawal of that sum from the Town Forest Account?

3. Shall the Town raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) to allow the Conservation Commission to implement a conservation law enforcement agreement with New Hampshire Fish and Game Department to conduct extra patrols on town owned lands and roads with a focus on illegal ATV use.

4. Shall the Town raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000.00) for Conservation Commission expenditure toward the purchase of new town forest land, and fund this appropriation by authorizing the withdrawal of that sum from the Town Forest Account?

The first Warrant Article was reviewed without question.

Mr. Najjar commented on the second article, noting Delane Brown, Fish & Game Conservation Officer, could not make it to our meeting until January. Mr. Brown did not stock Ferrin Pond this year because he could not get there on ATV. Mrs. Grolljahn asked how come they're not taking care of it and Mr. Najjar said he guessed that they did not have the funds. Mrs. Grolljahn asked about the rock barrier at the trailhead. Mr. Najjar said that the town had put the rocks there, and they do not have the right to do that.

Mr. Najjar noted Warrant Article 2 is to gate ferrin pond and repair erosion. He supports this article for its enforcement and creating awareness aspects. Mrs. Stevens stated she could not support spending town funds on a gate that was on Fish & Game's property. Mr. Najjar said he could understand that, and that he had to leave shortly and we could reword and/or add or omit Articles as we see fit.

Mrs. Grolljahn asked a question about proposed Article 3, asking shouldn't our police department already be enforcing this? Mrs. Tuck asked how much ten thousand dollars would buy us, stating that three hours, three times a week for a year would be twenty six thousand dollars. Mr. Najjar said he didn't think Fish & Game would have the time like that to spend in Weare. Mrs. Grolljahn stated that

she thinks we should spend the money now, see the results, and next year engage the police department.

Mrs. Grolljahn mentioned ATVs going in both sides of the new bridge at Ferrin Pond. She could see a perception that going around the bridge into the water would be more fun, and noted oil in the water. Mr. Fulton said it is not oil, its iron. She brought up barricading both sides of the bridge.

Proposed Warrant Article Four was reviewed and Mrs. Grolljahn asked how much of our Town Forest account did we request to utilize last year? Mr. Najjar answered \$35,000. Mrs. Stevens said that given the complexity of our challenges next year with the different gates proposed in different areas, and new proposed enforcement, she thought \$100,000 was reasonable. Mrs. Grolljahn noted that all of the signs posted at Ferrin Pond had been torn down almost immediately.

Mr. Najjar made a motion to forward the proposed Warrant Articles to the Board of Selectman by December. Mrs. Grolljan seconded. Mrs. Stevens said she had issues with the second article as it is an ownership issue, and with the third article as it raised taxes.

Mr. Fulton suggested coming up with a plan and inviting our unnamed new police chief for a discussion. Mrs. Stevens said that was interesting and could he expand on that idea. He thinks the dialogue could be important – the issues have been with this group for many years and it would be good to see a development. He suggested an example of purchasing a police ATV to assist with enforcement issues, and expressed a desire to have an open dialogue between the commission and the police department.

The motion passed 4 (Fulton, Najjar, Grolljahn, Tuck) - 1 (Stevens) – 0.

- V. A complaint received from Eastman abutter Tom Green was reviewed. Mr. Green complained about speeding vehicles near the log landing/parking lot. It was noted that the landowner was invited to the meeting but was not present. Mrs. Stevens pointed out that earlier in this meeting two new gates at Eastman were voted in. Mr. Fulton mentioned a parking lot at the log landing would be ideal and was noted by Mr. Malette in past meetings. Mrs. Stevens said she supported trailhead parking. So did Mrs. Grolljan. Mr. Fulton noted Mr. Green's loss or privacy. Mrs. Grolljahn asked about signage. Mrs. Stevens said there were already signs posted last year. Mr. Fulton said it is on public land so there is no legal reason we cannot do what we are doing, plus the gate is a benefit to the complainant. Mr. Fulton said that Mr. Green has registered his concern, it has been recorded and he has been responded to.
- VI. Mrs. Tuck asked if we were reviewing the entire agenda. Mr. Fulton reviewed the by-laws noting the ability to vote to table the agenda. He specified that with our seven member commission, four members are needed to create a quorum. He added that he felt item #5 was really important to get to. She was invited to make a motion. Mrs. Tuck motioned to table the rest of the agenda to the next meeting. There was no second. Mrs. Grolljahn added that anybody can leave the meeting at anytime.
- VII. Mr. Fulton said Luke Drake has contacted the commission as he has won the lottery and is asking for permission to utilize an ATV on town forests in the event that he obtains a moose, solely for the purpose of removal of a moose carcass. Mr. Fulton read the letter aloud which included the following parcels: Woods Family Forest, Toby Hill, Poor Farm Forest, Ferrin Pond, Felch Farm, Eastman and Bartlett Brook. Mrs. Stevens asked if Mr. Drake could drop an email to report a take. The lottery is for 10/19-10/27. Mrs. Stevens made a motion to approve Mr. Drake's request for permission to utilize an ATV on the specified parcels. Mrs. Grolljahn seconded. All were in favor and the motion passed 5-0-0.
- VIII. Mr. Fulton distributed new conservation handbooks.
- IX. Mr. Fulton noted Dave Couture and his BSA Troop 24 is scheduled.
- X. Mr. Fulton noted several DES/Wetlands letters that required no action.

- XI. Mrs. Grolljahn and Mr. Fulton reviewed the location of tires between Sawyer Rd. and Rt. 149.
- XII. Mrs. Tuck made a motion to adjourn the meeting at 10:13 pm. Mrs. Stevens seconded. All were in favor.

Respectfully submitted,  
*Wendy J. Stevens*